

## **REMARKS**

Claims 2-7, 9-10, 13-14, 16-21, 23-26, and 28-29 are original. Claims 1, 8, 11-12, 15, 22, and 27 are previously presented. Claims 1-29 are pending for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections and forwarding of the application on to issuance.

### **The §103 Rejections**

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,438,580 to Mears, et al. (hereinafter, "Mears") in view of U.S. Pat. No. 6,026,388 to Liddy, et al. (hereinafter, "Liddy").

Applicant submits that the Office has failed to establish a *prima facie* case of obviousness and, in view of the comments below, respectfully traverses the Office's rejections. However, before discussing the substance of the Office's rejections, a section entitled "The §103 Standard" is provided and will be used in addressing the Office's rejections. Following this section, a section entitled "The Mears Reference" is provided, which describes Mears's disclosure and teachings.

### **The §103 Standard**

To establish a *prima facie* case of obviousness, three basic criteria *must* be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of

1 success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).  
2 Finally, the prior art reference (or references when combined) must teach or  
3 suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580  
4 (CCPA 1974).

5 Hence, when patentability turns on the question of obviousness, the search  
6 for and analysis of the prior art includes evidence relevant to the finding of  
7 whether there is a teaching, motivation, or suggestion to select and combine or  
8 modify the references relied on as evidence of obviousness. The need for  
9 specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55  
10 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the  
11 reason the skilled artisan, with no knowledge of the claimed invention, would have  
12 selected these components for combination in the manner claimed").

### 13 14 **The Mears Reference**

15 Generally, Mears's disclosure is directed to an interactive knowledgebase.  
16 (Mears, at Title). Mears writes that the disclosed interactive knowledgebase  
17 system is operable to retrieve and display to a user informational pages containing  
18 items. (Mears, at Abstract). The user, with these informational pages, can  
19 participate in an exchange of items and comments regarding items with other users  
20 of the interactive knowledgebase. (*Id.*).

21 Mears's disclosure is perhaps best appreciated where Mears summarizes his  
22 invention and illustrates its operation. In the "Summary of the Invention" section,  
23 Mears writes that "[i]n accordance with the teachings of the present invention, an  
24 interactive knowledgebase is provided which substantially eliminates or reduces  
25 the disadvantages and problems associated with existing database structures."

1 (Mears, at Summary of the Invention, col. 1, lines 39-44). At Figure 11, Mears  
2 illustrates his invention's operation, about which he writes: "FIG. 11 is a flowchart  
3 that illustrates the operation of the present invention" (Mears, at col. 2, lines 59-  
4 60).

5 In Figure 11, at block 414, Mears discloses enabling a user to "access areas  
6 of interest". Following this, at blocks 416, 420, 424, and 428, the user is enabled  
7 to add content, ask a question, add to favorites, and endorse or annotate content.  
8 (Mears, Fig. 11). The user is also enabled, at blocks 418, 422, 426, and 432, to  
9 upload or provide a link, form a question in a discussion group, store a link in his  
10 favorites, and state his confidence and comments. (*Id.*).

11 Thus, the focus of Mears's disclosure is an interactive knowledgebase that  
12 operates by enabling a user to access areas of interest and add or alter content and  
13 the like.

#### 14 15 **The Claims and the Office's Rejections**

16 **Claim 1** recites a method for use in a computer, the method comprising:

- 17
- 18 • while booting a computer and prior to allowing a user to logon to the  
19 computer, arranging for a markup language rendering engine to be  
20 loaded substantially near the beginning of an operating system  
21 initialization procedure; and
  - 22 • providing markup language code suitable for use with the markup  
23 language rendering engine, the markup language being capable of  
24 soliciting at least one user input when rendered by the markup  
25 language rendering engine, *the user input being associated with a  
user logon process configured to selectively allow a user to logon to  
the computer.*

1 Preliminarily, in making out the rejection of this claim, the Office argues  
2 the Mears reference and uses language that does not appear in this claim. For  
3 example, the Office argues that Mears discloses “the user input being associated  
4 with a user *registration* process” and cites to column 7, lines 44-62 for support.  
5 (Present Action, p. 3, emphasis added). The Office goes on to assert that “user  
6 registration of Mears (col. 7, lines 47-54) can also be a logon process because both  
7 the registration and logon process is where personal information is entered  
8 regarding the user to identify him/her to the computer.” (Present Action, p. 3). To  
9 the extent that the terminology utilized by the Office in making out this rejection  
10 varies from the specific claim language that appears in this claim, Applicant  
11 respectfully submits that the Office has improperly addressed the claim.

12 Consider first the Office’s citation in support of its assertion that “the user  
13 registration of Mears” can also be a “logon process”, the entirety of which is set  
14 forth below:

15  
16 Profile button 174 when selected brings up the user registration  
17 screens in the right window 154. User profile screens are used to set or  
18 modify user preferences. FIG. 7a illustrates a first registration screen 180.  
19 First registration screens 180 display current information regarding a user  
20 and allows a user to update that information. Demographic profile section  
21 182 shows demographic information such as user name, phone numbers,  
22 Internet mail address and other information. Profile information section  
23 184 contains a list of profile information entries for address 186, personal  
24 information 188, interests 190, roles 192 and notification 194. To the right  
25 of these entries is a status indicator 196 which indicates if the information  
entry has been completed or not. Each of the profile entries can be selected  
for updating and changing. This also allows a user to be associate with  
different database fields so that when the web page builder creates a web  
page regarding a certain category, individuals which are connected to that  
category by these entries can be included in the web page.

*Col. 7, lines 44-62.*

1  
2 This passage of Mears do not disclose, teach, or imply the user input being  
3 associated with a user logon process, as required by Claim 1. So far as might be  
4 deemed relevant to the presently claimed subject matter, in this passage Mears  
5 simply discloses enabling a user to update his or her preferences.

6 The Office seems to be equating the registration screens of Mears with the  
7 logon process of Claim 1. This error stems in part from a misunderstanding of  
8 how the term “registration” is used by Mears.

9 In this passage, Mears equates registration screens generally with user  
10 profile screens. Mears writes that these user profile screens “are used to set or  
11 modify user preferences”. Thus, Mears teaches that his registration screens are  
12 generally for receiving input to set and modify a user’s preferences.

13 Further, Mears discloses specific examples of registration screens that are  
14 for a user to set or modify user preferences. Mears writes that the registration  
15 screens display current information regarding a user and allow a user to update that  
16 information in a knowledgebase. (Mears, col. 7-8). Mears continues, setting out  
17 how his registration screens are used in detail, writing that “an address registration  
18 screen 200” is one in which a “user can enter or change his address including street  
19 address, city, state/province, zip/postal code, country and primary language  
20 spoken.” (Mears, col. 7, lines 63-67). Clearly, the registration screens of Mears  
21 are directed toward enabling a user to change his or her preferences.

22 Thus, Mears teaches that his disclosed invention, and its operation through  
23 registration screens, is directed to enabling a user to add or edit content for setting  
24 and modifying preferences. Setting and modifying preferences is not equivalent to  
25

1 a logon process. As such, Mears does not teach or suggest the user input being  
2 associated with a logon process, as required by claim 1.

3 Second, as set forth above and in “The Mears Reference” section, the focus  
4 of Mears’s disclosure is an interactive knowledgebase that operates by enabling a  
5 user to access areas of interest and add or alter content and the like. Mears  
6 summarizes his invention as that of an interactive knowledgebase that substantially  
7 eliminates or reduces the disadvantages and problems associated with existing  
8 database structures. Mears illustrates the operation of his invention in Fig. 11,  
9 where he enables a user to register for the purpose of accessing areas of interest to  
10 add or edit information. Nowhere in his summary or in anywhere in his disclosure  
11 does he mention a logon process.

12 Mears does not mention, and does not imply, the claimed element of the  
13 user input being associated with a user logon process, as required in Claim 1. If  
14 the Office disagrees, it is respectfully requested to specifically point out the  
15 language in Mears that teaches the claimed elements. Absent such a showing, the  
16 rejection of Claim 1 should be withdrawn.

17 The Office’s argument that Mears’s user registration is patentably  
18 equivalent to the logon process is akin to arguing that just because one disclosure  
19 is directed to enabling a user to input personal information that all other  
20 disclosures that present different, patentably distinct approaches for enabling a  
21 user to input personal information would be obvious. Applicant can find no  
22 disclosure or suggestion of the subject matter of claim 1 in Mears. The Office’s  
23 assertion that Mears’s discussion of enabling a user to input his or her preferences  
24 implies the specific subject matter of this claim is misplaced, inappropriate, and  
25 falls short of the showing needed to establish a *prima facie* case of obviousness,

1 particularly as outlined in the section entitled “The §103 Standard” above.  
2 Accordingly, for at least this reason, Claim 1 is allowable.

3 Also, in making out various claim rejections under §103 in the present  
4 Office Action, the Office admits that “Mears did not fully disclose to selectively  
5 allow a user to logon to a computer”. (Present Action, p. 3). To address this  
6 deficiency, the Office writes that “Liddy, et al. discloses the logon process in the  
7 form of a sign-on utilizing the GUI screen to allow users to interact with the  
8 system...” (*Id.*).

9 As set forth above, Mears does not teach, suggest, or provide a motivation  
10 for combining Mears with a reference having a user sign-on, such as Liddy. For  
11 this reason, the Office has impermissibly used hindsight reconstruction to combine  
12 Mears with Liddy. The Office admits that Mears alone does not teach one in the  
13 art to selectively allow a user to logon to the computer, as required by Claim 1. As  
14 Liddy is improperly combined with Mears, the rejection of Claim 1 should be  
15 withdrawn.

16 **Claims 2-7** depend from Claim 1 and are allowable as depending from an  
17 allowable base claim. These claims are also allowable for their own recited  
18 features that, in combination with those recited in Claim 1, are neither disclosed  
19 nor suggested in references of record, either singly or in combination with one  
20 another.

21 **Claim 8** recites a computer-readable medium having computer-executable  
22 instructions for causing one or more processors to perform acts comprising:

- 23 • while booting a computer and prior to allowing a user to logon to the  
24 computer, arranging for a markup language rendering engine to be  
25

1 loaded substantially near the beginning of an operating system  
2 initialization procedure; and

- 3 • providing markup language code suitable for use with the markup  
4 language rendering engine, the markup language being capable of  
5 soliciting at least one user input when rendered by the markup  
6 language rendering engine, *the user input being associated with a  
7 user logon process configured to selectively allow a user to logon to  
8 the computer.*

9 In making out the rejection of this claim, the Office argues claim language  
10 that does not appear in this claim. Applicant respectfully submits that the Office  
11 has not properly considered the proper claim language of this claim.

12 As set forth above, nowhere does Mears disclose, suggest, or imply the  
13 claimed element of the user input being associated with a user logon process, as  
14 required in Claim 8.

15 Also as set forth above, Mears does not supply a suggestion or motivation  
16 to combine Mears with Liddy.

17 On any of these bases, the Office has failed to establish a *prima facie* case  
18 of obviousness; Claim 8 is allowable over the art of record.

19 **Claims 9-14** depend from Claim 8 and are allowable as depending from an  
20 allowable base claim. These claims are also allowable for their own recited  
21 features that, in combination with those recited in Claim 8, are neither disclosed  
22 nor suggested in references of record, either singly or in combination with one  
23 another.

24 **Claim 15** recites an arrangement including a memory, a data storage device,  
25 a display device, and a processor operatively coupled to the memory, data storage  
device and the display device, the arrangement comprising:



- a markup language rendering engine stored within the data storage device and suitable for loading in the memory substantially near the beginning of an operating system initialization procedure while booting a computer and prior to allowing a user to logon to the computer; and
- markup language code suitable stored in the data storage device and configurable for use with the markup language rendering engine, the markup language being capable of soliciting at least one user input when rendered by the markup language rendering engine onto the display device, *the user input being associated with a user logon process configured to selectively allow a user to logon to the computer.*

In making out the rejection of this claim, the Office argues claim language that does not appear in this claim. Applicant respectfully submits that the Office has not properly considered the proper claim language of this claim.

As set forth above, nowhere does Mears disclose, suggest, or imply the claimed element of the user input being associated with a user logon process, as required in Claim 15.

Also as set forth above, Mears does not supply a suggestion or motivation to combine Mears with Liddy.

On any of these bases, the Office has failed to establish a *prima facie* case of obviousness; Claim 15 is allowable over the art of record.

**Claims 16-21** depend from Claim 15 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 15, are neither disclosed nor suggested in references of record, either singly or in combination with one another.

1           **Claim 22** recites a method for use in booting a computer and logging users  
2 onto the computer, the method comprising:

- 3           • prior to allowing a user to logon to a computer, loading a markup  
4 language rendering engine substantially near the beginning of an  
5 operating system initialization procedure;
- 6           • retrieving user data from the operating system;
- 7           • rendering markup language code associated with a logon screen  
8 using at least a portion of the user data;
- 9           • collecting *at least one user input associated with the logon screen*;  
10 and
- 11           • *establishing a logon session if the user input is valid.*

12           In making out the rejection of this claim, the Office argues claim language  
13 that does not appear in this claim. Applicant respectfully submits that the Office  
14 has not properly considered the proper claim language of this claim.

15           Similarly to as set forth above, nowhere does Mears disclose, suggest, or  
16 imply the claimed element of at least one user input associated with the logon  
17 screen, as required in Claim 22.

18           Also, the Office admits that “Mears did not fully disclose establishing a  
19 logon session if the user input is valid”. (Present Action, p. 11). To address this  
20 deficiency, the Office writes that “Liddy, et al. discloses the logon process in the  
21 form of a sign-on utilizing the GUI screen to allow users to interact with the  
22 system... [and] teaches the sign-on process at the initial screen establishing a  
23 logon session if the user input is valid...” (*Id.*).

24           Similarly to as set forth above, Mears clearly does not supply a suggestion  
25 or motivation to combine Mears with Liddy for establishing a logon session. For

1 this reason, the Office has impermissibly used hindsight reconstruction to combine  
2 Mears with Liddy.

3 On any of these bases, the Office has failed to establish a *prima facie* case  
4 of obviousness; Claim 22 is allowable over the art of record.

5 **Claims 23-26** depend from Claim 22 and are allowable as depending from  
6 an allowable base claim. These claims are also allowable for their own recited  
7 features that, in combination with those recited in Claim 22, are neither disclosed  
8 nor suggested in references of record, either singly or in combination with one  
9 another.

10 **Claim 27** recites a markup language based logon user interface arrangement  
11 for use in logging users onto a computer, the user interface comprising:

- 12 • *a logon screen displayed while booting the computer and prior to*  
13 *allowing a user to logon to a computer;*
- 14 • *a user logon area within the logon screen, the user logon area*  
15 *visually identifying a plurality of users using text identifiers and*  
16 *graphical identifiers, such that each text identifier and graphical*  
17 *identifier are selectable by the user through the user interface and*  
18 *upon selection by the user cause the user interface to prompt the*  
19 *user to input a password; and*
- 20 • *a single selectable shut down mechanism* graphically located within  
21 the logon screen and *configured to shut the computer down when*  
22 *selected through the user interface by the user.*

23 Preliminarily, in making out the rejection of this claim, the Office argues  
24 the Mears reference and uses language that does not appear in this claim. For  
25 example, the Office argues that Mears discloses “a logon screen displayed while  
booting the computer and prior to allowing a user to logon to a computer” and  
cites to column 4, lines 11-35 for support. (Present Action, p. 13). Also for

1 example, the Office argues that Mears discloses “a user logon area within the  
2 logon screen” and cites to column 7, lines 42-47 for support. (*Id.*). Also for  
3 example, the Office argues that Mears discloses “the user logon area visually  
4 identifying a plurality of users using text identifiers and graphical identifiers, such  
5 that each text identifier and graphical identifier are selectable by the user through  
6 the user interface” and cites to column 7, lines 57-59 for support. (*Id.*). None of  
7 the text cited above for support by the Office disclose the language appearing in  
8 Claim 27. To the extent that the terminology utilized by the Office in making out  
9 this rejection varies from the specific claim language that appears in this claim,  
10 Applicant respectfully submits that the Office has improperly addressed the claim.  
11 Nowhere does Mears disclose, suggest, or imply the claimed elements of a logon  
12 screen displayed while booting the computer or a user logon area within the logon  
13 screen, as required in Claim 27. Mears discloses enabling input of user  
14 preferences; it does not disclose any of these claimed elements. The Office clearly  
15 misuses Mears in rejecting Claim 27.

16 The Office goes on to assert that “user registration of Mears (col. 7, lines  
17 47-54) can also be a logon process because both the registration and logon process  
18 is where personal information is entered regarding the user to identify him/her to  
19 access the computer.” (Present Action, p. 14). This assertion, as set forth above,  
20 misinterprets Mears, and as such improperly applies Mears to reject Claim 27.

21 Similarly to as set forth above, Mears clearly does not supply a suggestion  
22 or motivation to combine Mears with Liddy. For this reason, the Office has  
23 impermissibly used hindsight reconstruction to combine Mears with Liddy.

24 Also, the Office admits that “Mears did not fully disclose prompting the  
25 user to input a password and a single selectable shut down mechanism configured

1 to shut the computer down when selected through the user interface by the user”.  
2 (Present Action, p. 14). To address this deficiency, the Office writes that “[i]t is  
3 inherent that computers have a shut down mechanism option placed on a window  
4 for a user to select when wanting to shut the computer off. The Examiner  
5 ascertains the shut down option and the logon option is amongst the various  
6 functions if an appropriate command is selected on the screen.” (*Id.*). The Office  
7 then addresses another deficiency, writing that “[i]t would have been obvious for a  
8 person of ordinary skill in the art at the time of the invention to prompt a user to  
9 input a password as taught in Liddy, would be for security purposes wherein only  
10 registered users who inputs a valid password are allowed to proceed (col. 28, lines  
11 44-50).” (*Id.*).

12 The Office has not provided references establishing the asserted inherency  
13 and obviousness, and as such has failed to establish a *prima facie* case of  
14 obviousness under §103.

15 On any of these bases set forth above, the Office has failed to establish a  
16 *prima facie* case of obviousness under §103 that is sufficient to reject Claim 27.

17 **Claims 28-29** depend from Claim 27 and are allowable as depending from  
18 an allowable base claim. These claims are also allowable for their own recited  
19 features that, in combination with those recited in Claim 27, are neither disclosed  
20 nor suggested in references of record, either singly or in combination with one  
21 another.

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